RECEIVED

NOV 2 1 2006

MICHAEL W. DOBBINS
CLERK, U. S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Peter J. Matsukis

(Enter above the full name of the plaintiff or plaintiffs in this action)

vs.

Case No: 06 C 50233
(To be supplied by the Clerk of this Court)

(1) United States Marshalls
(2) Sheriff Nygren McHenry County Sheriff
(3) McHenry County Board Members

(Enter above the full name of ALL defendants in this action. Do not use "et al.")

CHECK ONE ONLY:

_____ **COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983 U.S. Code** (state, county, or municipal defendants)

X **COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE 28 SECTION 1331 U.S. Code** (federal defendants)

_____ **OTHER** (cite statute, if known)

BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.

I. **Plaintiff(s):**

A. Name: PETER J. MATSUKIS

B. List all aliases:

C. Prisoner identification number: Fed - 05674-089 / McHenry - 70661

D. Place of present confinement: McHENRY COUNTY JAIL

E. Address: 2200 N. Seminary, Woodstock, Ill 60098

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, and current address according to the above format on a separate sheet of paper.)

II. **Defendant(s):**

(In **A** below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in **B** and **C**.)

A. Defendant: KEITH NYGREN

Title: Sheriff - McHENRY COUNTY

Place of Employment: 2200 N. Seminary Ave, Woodstock Ill, 60098

B. Defendant: U.S. Marshalls

Title: U.S. Marshalls

Place of Employment: 219 S. Dearborn Ave, Chicago Ill 60604

C. Defendant: McHenry County BOARD MEMBERS

Title: County Board Members

Place of Employment: 2200 N. Seminary, Woodstock, Ill 60098

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

III. Exhaustion of Administrative Remedies

You are required to exhaust all your available administrative remedies before bringing an action in federal court.

A. Is there a grievance procedure available at your institution?

YES (X) NO ( ) If there is no grievance procedure, skip to F.

B. Have you filed a grievance concerning the facts in this complaint?

YES (X) NO ( )

C. If your answer is **YES**:

1. What steps did you take?

Procedure Requires all Grievances To be Filed with the Officers First, then A Sergeant, Then The Lieutenant.

2. What was the result?

Results were Negative, on all accounts. In Some Cases, The officers "disposed" of our grievances before Sergeants or Lieutenants Read them!

3. If the grievance was not resolved to your satisfaction, did you appeal? What was the result (if there was no procedure for appeal, so state.)

No Appeal Rights Are Allowed. In All Cases, The Sergeants and Lieutenants would not even Come to meet with us. Their Word is Final

D. If your answer is **NO**, explain why not:

The problem is when A Federal Inmate Submits A Grievance, The Grievance Is treated the same As if A County Inmate Filed one. No Results!

IV. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court (including the Central and Southern Districts of Illinois):

N/A

A. Name of case and docket number: ______________________

B. Approximate date of filing lawsuit: ______________________

C. List all plaintiffs (if you had co-plaintiffs), including any aliases: ______________________

D. List all defendants: ______________________

E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): ______________________

F. Name of judge to whom case was assigned: ______________________

G. Basic claim made: ______________________

H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): ______________________

I. Approximate date of disposition: ______________________

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

E. Is the grievance procedure now completed? YES (X) NO ( )

F. If there is no grievance procedure in the institution, did you complain to authorities? YES (X) NO ( )

G. If your answer is YES:

1. What steps did you take?

I Filed A Grievance To The Sheriff and Undershiff, and even Deputy Chief.

2. What was the result?

Never heard back any Feedback, or Any results.

H. If your answer is NO, explain why not:

To This day, I was never informed why our grievances were never heard from the proper Authorities here at McHenry County Jail.

V. **Statement of Claim:**

State here as briefly as possible the facts of your case. Describe precisely how each defendant is involved. Include also the names of other persons involved, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

(1) As a Federal inmate, I was detained in McHenry County Jail against my will. I was at Metropolitan Correctional Facility from Sept. 2, 2005 until Sept 8, 2006. At MCC Chicago, I was constitutionally guaranteed rights that McHenry County does not provide, such as the following:

(a) My visit is 15 minutes a week via a videophone, whereas at MCC the visits were "contact visits" and for (3) hours a week. Total contact visits were (18) hours a month, whereas McHenry County is 1 hour a month via "videophone". Our visitors are 2 hours away!

(b). In McHenry County, our medical visits are supervised by a Correctional officer, violating our "Doctor-client" privilege. At McHenry, there are no "secrets," so Correctional officers freely communicate to one another about various inmates. No privacy from Correctional officers!

(c) In McHenry, I am housed on the "2nd floor" block, which is for General County Inmates. This 2nd floor has cell rooms locked down for 8 hours a day, severely limiting my ability to conduct my legal work. When my legal work is conducted in the open "day room", every other inmate can view my legal work.

(d) In the day room, there is one television. This television is very "loud" all day, and it severely inhibits my ability to talk on the phone to my legal counsel.

(e) On my legal visits, a Correctional Officer is present, thus violates Lawyer/Client privilege.

(F) In most of the cells, the toilets back up, especially with raw sewage from the other toilets from the floors above. Not only does this "back up" cause smell, unliving and health conditions, but the smell permeates throughout the "Day room". Living conditions are unhealthy, unsafe, and unliverable!

(G) In our "Pod", we are restricted from having mops or brooms available. The mops and brooms are available only in the morning, not during the days, so trash builds up quickly all day.

(H) Our recreation is severly limited, to maybe 45 minutes a week. When we do get recreation, it is in a small gym, with only one (1) pull-up bar. No exercise is allowed beyond walking with "sandals". We are not allowed any exercise shoes, such as Gym shoes.

At The MCC, we were Allowed Gym shoes, 6 hours A week of recreation. Also at MCC, we had outdoor activity "via" the roof top. At McHenry, There is NO outside exercise or even outside air! The air in McHenry County is "Recycled Air", which is unhealthy. As A Federal Prisoner, we Are required to be Allowed outside activities. This is "Cruel and Unusual" punishment!

(I) Since I arrived at McHenry County, I have asked repeadetly To see A Catholic Priest. There is A Catholic Priest on the Staff at McHenry County, but I have been denied. I am denied my religious rights since ~~The day I have arrived at McHenry County.~~

(J) I Am supposed to receive at least 5 hours a week of Law Library at McHenry County. At MCC, I received 10 hrs a week. When I arrived at McHenry County, I had my sentencing post-poned, so I needed Law Library access. Even Though I submitted Law Library request each day, I was only Allowed 1-2 hours A week of Law Library. There is only one week That

I received the actual 5 hours of Law Library. The lack of time seriously impaired My Ability To conduct research on my criminal case.
(K) The McHenry County Law library is a small, 20' x 20' room. As a federal Inmate, I am supposed to have access to federal cases, books, magazines, pamphlets, which would assist me on my case. The McHenry County Law library is inadequate. The Law library has approximately 10-12 federal Books, and nothing related to any case law books. The Law library is seriously deficient in assisting any federal Inmate on their federal case!
(L) Legal copies at MCC cost $.12 cents a copy. At McHenry County, copies cost $.25 cents a copy.
(M) For Medical care, McHenry County charges $10/co-pay, where as MCC charges $2/co-pay.
(N) At MCC, our outgoing mail was guaranteed To be mailed in 24 hours, Except for Saturdays and Sundays. At McHenry, McHenry also guarantees mail to be mailed in 24 hours. The problem is McHenry doesn't process the mail within 24 hours. Most times it takes 3-4 days to send

OUT OUR Mail. The excuses McHenry gives us is their "shortage" of staff in the mail Room. The fact is I have sent out Legal Mail, which has time restraints, but is not Mailed out 3-4 days Later! What McHenry County is doing is interferring with my U.S. Postal Mail! This never occurred at MCC.

(O) AT MCC, we were provided with new "Blue Deck shoes", which provided some relief for our feet. At McHenry, we were issued "used sandals", which were severely inadequate for walking, or even exercise. McHenry does not offer gym shoes or any other shoes.

(P) AT MCC, we were Allowed PENS and Word-processors for our legal work. At McHenry Cty, we are only allowed Pencils, and their Typewriters do not have ribbon, and do not function properly. It is impossible to send out legal work written in pencil!

VI. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

The relief I want is three-fold:

(1) I want McHenry County to upgrade their Facility To meet Federal Prisoner Standards

(2) I want a Monetary relief of Two Million Four Hundred Thousand Dollars, ($2,400,000.00).

(3) US Marshalls to stop transferring Inmates To sub-par County Facilities

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 16th day of NOV, 2006

(Signature of plaintiff or plaintiffs)

Peter Matsukis

(Print name)

Federal - 05674-089 McHenry - 70661

(I.D. Number)

2200 N. Seminary Ave

Woodstock, ILL 60098

(Address)